

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-0115V

Filed: August 19, 2015

Unpublished

ADELE PHILLIPS,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;
Influenza (“flu”) Vaccine; Shoulder
Injury Related to Vaccine Administration
 (“SIRVA”); Complex Regional Pain
Syndrome (“CRPS”); Special
Processing Unit (“SPU”)

Brian Cinelli, Marcus & Cinelli, LLP, Williamsville, NY, for petitioner.

Alexis Babcock, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On February 4, 2015, Adele Phillips (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² [the “Vaccine Act” or “Program”]. The petition alleges that as a result of an influenza (“flu”) vaccination on August 13, 2013, petitioner suffered from Complex Regional Pain Syndrome (“CRPS”). Petition at 1. The case was assigned to the Special Processing Unit (“SPU”) of the Office of Special Masters.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, it will be posted on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On July 1, 2015, respondent filed her Rule 4(c) Report ["Res. Report"], in which she concedes that petitioner is entitled to compensation in this case.³ Resp. Report at 6. Specifically, respondent concluded that "petitioner suffered a Shoulder Injury Related to Vaccine Administration ["SIRVA"], with sequelae of CRPS, a non-Table injury, and that the preponderance of the medical evidence indicates that the injury was causally related to the vaccination." *Id.*

In view of respondent's concession and the evidence before me, I find that petitioner is entitled to compensation.

s/Denise K. Vowell

Denise K. Vowell
Chief Special Master

³ Respondent requested that issuance of a Ruling on Entitlement be postponed until additional specified evidence was submitted by petitioner. See Order, issued July 2, 2015. On August 17, 2015, petitioner completed her supplemental filings. On August 19, 2015, respondent informally communicated that the filings satisfied her requests and that it was now appropriate to issue a Ruling on Entitlement.